



TOWN OF TYNGSBOROUGH

Office of the Board of Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

APPROVED

Board of Selectmen Meeting Minutes

Monday, August 13, 2012 at 6:00 P.M.

Community Room, Town Offices, 25 Bryant Lane

Members Present: Selectwoman Karyn Puleo, Selectman Rick Reault, Selectman Allen Curseaden, Selectman Corliss Lambert.

Members Absent: Selectman Robert Jackson

Staff Present: Town Administrator Michael Gilleberto, Admin Assistant Therese Gay

The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law.

The Vice-Chairman announced the following: "The following meeting is being recorded and broadcast through our local cable access channels on Comcast and Verizon FIOS. A recording of this meeting will also be available for viewing on our town's website - tyngsboroughma dot gov. Also, after instruction from the State Fire Marshall and the Tyngsborough Fire Chief, in the event of an emergency, there is an exit to my left and directly across from me, along the back wall".

1. 6:00 PM Open Meeting/Pledge of Allegiance/ Board Introduction /Read Agenda

The Vice-Chairman called the meeting to order. The Pledge of Allegiance was recited. The Board introduced themselves. The Agenda was read by Selectman Reault, Clerk of the Board.

2. Citizen/Business Time - No one came forward this evening.

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

3. Meeting Minutes Review/Approve

A. Monday July 30, 2012

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Curseaden, to approve the minutes of Monday July 30, 2012.

Executive Session Minutes Review/Approve/Not Release

B. Monday July 9, 2012

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Curseaden, to approve but not release the executive session minutes of Monday July 9, 2012.

C. Monday July 30, 2012

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Curseaden, to approve but not release the executive minutes of Monday July 30, 2012 with the amended header showing Selectman Lambert absent.

4. Old Business

A. 6:30 PM Modify Special Permit - Farmers Market, Tyngsborough Gardens, 347 Middlesex Road

Selectman Reault, Clerk read the legal notice that appeared in the local publication. The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Curseaden to waive the reading

of the abutters list. The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Curseaden to open the hearing.

Selectman Reault discloses that a vendor at the farmer's market sells products associated with this business.

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Curseaden to open the continued hearing, of July 30th. The Chairman asked Ms. Babcock to come forward and present her petition. Ms. Babcock explained that the vendor stands had to be moved to the new location for easier access to electricity, water, public facility and ease for the handicapped customers. The market has done well and continues to grow. Ms. Babcock restated the hours and location of the farmer's market. The Chairman asked if there were anyone present who wished to speak for or against the petition, no one came forward. The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Curseaden to close the hearing. The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Curseaden to approve the Special Permit as amended.

B. Remote Participation – Vote to Allow per MGL Chapter 30A Section 20(d)

The Board is considering the remote participation so that members who are not able to attend a meeting may do so by phone. The Administrator contacted Town Counsel to discuss and has given the Board a copy of the relevant section of the law, and Town Counsel has developed a policy for the Board to review. Discussion: The Board asked of the Administrator to distribute the policy to the boards and committees for review and comments. The Town Administrator recommends the Board specifies the use of a land line phone for clearer conversation.

The Board voted 4-0-0 on a motion by Selectman Lambert, second by Selectman Curseaden to allow the use of remote participation allowed per MGL Chapter 30A Section 20(d).

The Board voted 4-0-0 on an amended motion by Selectman Lambert, second by Selectman Curseaden to add it would be required that the remote participation be by land line phone and that the Boards have access to a speaker phone. The Board has asked Selectman Lambert to review the policy.

C. Administration – review description and process

The Administrator has drafted a job description for the Assistant Town Administrator's position. The job description reflects the discussion held at their last meeting. The position description reflects the current needs of the office and is developed in anticipation of future discussion concerning the financial operations of the Town. Discussion: the Board is comfortable with adding the supervisory responsibility occurs only when the Town Administrator is absent. The FY 2013 budget included funding for the new position. The Board voted 4-0-0 on a motion by Selectman Lambert, second by Selectman Reault to recommend the Assistant Town Administrator's job description with the amendment. The Board voted 4-0-0 on a motion by Selectman Lambert, second by Selectman Reault to advertise the position of Assistant Town Administrator. Discussion: the Board discussed the screening process but decided to wait till the Chairman is in attendance.

D. Housing Production Plan – Review comments received

The Administrator updated the Board on the communications received on the Housing Production Plan. The Administrator was in verbal communication with the School Superintendent regarding the enrollment data, the updated population projection submitted by NMCOG and also a copy of the memorandum to relevant boards, committee, and departments relative to comments on the plan. No comments have been received to date. No action is required this evening there will be a public meeting in September.

E. Lunenburg Affordable Housing – Discuss

A brief overview of Lunenburg's request to participate in an amicus brief; the Town of Lunenburg's Zoning Board of Appeals denied a comprehensive permit under Chapter 40B, the Town lost their arguments at the Housing Appeal's Committee and has filed an appeal at the Superior Court, the Town of Lunenburg is looking for support in participating in the amicus brief that will be submitted to the Supreme Judicial Court. The Board received and reviewed the amicus brief, the Board after a brief discussion voted 4-0-0 on a motion by Selectman Reault, second by Selectman Curleaden to sign on to the amicus brief. There was further discussion if there would be any request for financial

support for the brief. The Board voted 4-0-0 on a motion by Selectman Lambert, second by Selectman Reault to have the Administrator ask Town Counsel to evaluate if there is any financial implication from Tyngsborough.

F. Annual Appointments

- **Agricultural Committee**

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert to appoint Ellen Parlee to the Agricultural Committee.

- **Capital Asset Management Committee**

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert to appoint Barry Dick, the School Committee Representative, to the Capital Asset Management Committee.

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert to appoint the Interim Town Accountant to the Capital Asset Management Committee in an advisory capacity.

- **Energy and Environmental Affairs Committee**

The Board deferred this appointment.

- **Recreation and Parks Committee**

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Curseaden to appoint Phil Culver to the Recreation and Parks Committee for a term of 3 years.

- **Registrar**

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Curseaden to appoint Therese Gay as a Registrar for a term of 3 years.

- **Road Inspector**

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert to appoint Allen Curseaden as the Road Inspector.

- **Sealer of Weights and Measures**

The Board deferred this appointment.

5. New Business

A. Bond Anticipation Note & Permanent Borrowing (Town Treasurer) - Approve

The Town Administrator and the Town Treasurer reviewed the borrowing of the Bond Anticipation Note and the State House Notes. The Town's General Bond issued for one year in August of 2011 will come due August 17, 2012. The bond consists of the following: Highway Garage Remodeling, authorized 5/15/07, issued 11/7/07, balance due is \$181,000; additional Hwy Garage Remodeling, authorized 3/25/08, issued 11/5/08, balance due is \$28,900; School Boilers, authorized 5/20/08, issued 8/20/08, balance due \$361,600; Fire Truck, authorized 5/20/08, issued 8/20/08, balance due is \$354,000; Fire Truck, authorized 6/7/11, issued 8/18/11, balance due \$207,000. A principal pay down in the amount of \$7,000 is due on the Hwy Garage Remodeling project leaving \$174,000 of debt that will require re-issuance. Short term borrowing is only allowed for a period of 5 years. This project will be converted to a series of State House Serial Loan Notes and will be paid off over a period of five years at an interest rate of 2.65%. The remaining projects require the following principal pay downs are the Additional Hwy Garage Remodeling at \$1,100; the School boilers at \$13,400 and the Fire Truck ('08) at \$21,000. After the required pay down listed above, \$916,000 will remain to be re-issued in the form of a 6 month Bond Anticipation Note at an interest rate of .55%. In the late fall/early winter the Bond Anticipation Note will be combined with the borrowing for the Old Town Hall and the items approved at the Feb 15, 2012 STM in the form of a long term note totaling \$3,779,000. The Board thanked the Treasurer for the presentation.

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Curseaden to approve the 6 month Bond Anticipation Note in the amount of \$916,000 at an interest rate of .55%.

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Curseaden, to approve the State House Serial Loan Notes #1 for 1 year in the amount of \$39,000 at an interest rate of 2.65%.

The voted 4-0-0 on a motion by Selectman Reault, second by Selectman Curseaden , to approve the State House Serial Loan Notes #2 for 2 year in the amount of \$35,000 at an interest rate of 2.65% .

The voted 4-0-0 on a motion by Selectman Reault, second by Selectman Curseaden , to approve the State House Serial Loan Notes #3 for 3 year in the amount of \$35,000 at an interest rate of 2.65% .

The voted 4-0-0 on a motion by Selectman Reault, second by Selectman Curseaden , to approve the State House Serial Loan Notes #4 for 4 year in the amount of \$35,000 at an interest rate of 2.65% .

The voted 4-0-0 on a motion by Selectman Reault, second by Selectman Curseaden , to approve the State House Serial Loan Notes #5 for 5 year in the amount of \$30,000 at an interest rate of 2.65% .

The Board took a five minute recess to sign the Notes.

B. State Preliminary Election – Sign Warrant

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Curseaden, to sign the state preliminary election warrant.

C. YMCA Use of Recreation Building

The Board welcomed Mr. Kevin Morrissey, Director of Operations for the YMCA and Allison Page, Director of the Recreation Committee and to come forward to discuss the use of the Recreation Facility for the YMCA's after school program. Mr. Morrissey will be renting the space at the same fee as last year but with the addition of a custodial service for two days a week. Mr. Morrissey is looking for another facility to accommodate their needs for the next school year. The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Curseaden to allow the YMCA to use the Recreation Building for the school year 2012-2013 at a cost of \$750.00 with the addition of maintenance service two a week.

D. Greater Lowell Chamber of Commerce Expo – Discussion

The Administrator received correspondence from Ms. Bergeron, Vice President of the Chamber of Commerce informing and inviting the Town to participate at the Business Expo and Showcase at the Radisson Hotel in Chelmsford on Thursday September 27, 2012. The Administrator will move forward in putting a package together for the expo.

E. Capital Asset Management Committee – Bylaw Discussion

A brief preliminary discussion on the by-law, the Capital Asset Management Committee a Town Meeting approval, the committee will look at the plan and will make a recommendation.

F. Green Communities program – review status

- **Grant; Electric Charging Stations – site locations; Energy and Environmental Affairs Committee**

The Administrator assembled a package of information for the Board to review. The package included a copy of the current Green Communities Grant, a copy of the electric charging station grant in effect. Two are installed and functional at the Highway Department, and one each are slated for installation at the Town Office3s and on the large triangle in the Town Center and a status report from former Selectwoman Elizabeth Coughlin on the Energy and Environmental Affairs Committee. The Board had a brief discussion on the charging stations' installation and cost, there will be more information on the cost at the next meeting.

6. Citizen/Business Time – No one came forward this evening.

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7. Correspondence

A list of correspondence will be included with approved meeting minutes per the requirements of the Massachusetts Open Meeting Law and may be posted online at www.tyngsboroughma.gov. Copies of correspondence may be requested from the Office of the Board of Selectmen.

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Curseaden, to accept the correspondence as read by Clerk. Additional correspondence read into the Minutes a letter from a resident asking the Board to look into mosquito spraying in town. The notice for a special permit was read by the Clerk, the Veterans' Valor Act and a foreclosure on a home on Hemingway Rd.

8. Review of Weekly Warrants

The Town Administrator read the weekly warrant into the minutes as follows; warrant 6B 8/6/12 \$1,870,488.92; warrant #7P 8/13/12 \$377,701.37 and warrant #7B 8/13/12 \$470,541.62.

9. Town Administrator's Reports

- Response to Selectmen's Requests

A memorandum was forward of the Board's action relative to the rescinding of the Special Municipal Employee designation.

- Budget

The FY 2012 closeout continues.

- Departmental Information

The MIIA grant award notices for a magnetic manhole lifter and video security system was received, and a copy of a letter filed with the Treasurer regarding the wash station, the letter was required for the pending borrowing.

- Contracting/Procurement

Attached you will find copies of 1) a signed engineering contract for the wash station, the project will be bid in September and construction to be completed by the end of October; 2) a signed engineering agreement for the evaluation of the Sherburne Avenue culvert, the wetland delineation has occurred and is being forward to the engineer and 3) the Town's dental contract as approved by the Selectmen, the Town will only administer (and not fund) the plan.

- Other

Attached is the copy of the memorandum for the potential October 16, 2012 Special Town Meeting. The Greater Lowell Technical High School Building Committee has approved the submission of its \$65 million project to the MSBA, the agenda is attached.

The Historical Commission is willing to expend funds in its historic gift a count and from a trust fund for historic purposes to pay to restore one wall of the barn. Pursuant to the relevant law the gift funds can be expended with the approval of the Board of Selectmen, which in the opinion of the Interim Town Accountant can occur by virtue of a majority of the Board signing the weekly warrant. The balance of this account is \$8,7781.78, the law and associated information is attached. There may be trust funds also available to cover the balance of the \$9,500 estimated cost for this work. Discussion: the Board discussed the spending of funds to put siding on one side of the barn before knowing if a town meeting action to raze the building was overturned. The building is a historic structure and there would be some action to block the razing. After discussions the Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert to support the Historical Commission to use their funds to place siding on the unprotected side of the barn. There was a brief discussion regarding the Town Accountant's position for advertising and hiring and also to discuss some options.

Attached is a copy of correspondence with a resident regarding the power outages of August 4th and 5th. A copy of the request for comment to various Boards and departments concerning the Frost Road Park, and the Old Town Hall Building Committee meets August 13th.

10. Selectmen's Reports

Selectman Reault on the Old Town Hall restoration it is moving forward, the Committee has asked O'Brien and Sons Roofing of Tyngsborough to inspect the roof and to submit an assessment on the repair and/or replacing of the roof.

Selectman Curseaden on the bridge opening, the opening is bumped out one week, there was a question on the opening ceremony and when will it be, a soft opening is expected in August and then a more formal opening in September. The house on Indian Lane fell off the active list hope to be placed on active discussion shortly.

Selectman Lambert on the Winslow School Building mold issue, would like to see a status report of all Town buildings. Other issues are the culvert on Sherburne Avenue, and the flooding on Woodlawn Street. A preliminary assessment is being done on the culverts. Selectman Curseaden on the Frost Road Park embankment repair, the Highway Foreman is looking at the shoreline repairs using donated materials from town businesses and using the Highway employees to do the work, there is a hope to accomplish the work before future flooding. There is no response on putting the lights back on the bridge.

11. Executive Session

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

A. To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements

The Board voted on a motion by Selectman Reault, second by Selectman Lambert to enter into Executive Session to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements and to return to open session only to adjourn. Roll Call Vote:

Selectwoman Puleo, yes; Selectman Reault, yes; Selectman Curseaden, yes, Selectman Lambert. The Board entered into executive session at 8:55 P.M.

12. Adjournment

The Board exited executive session at 9:05 P.M.

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Curseaden to adjourn the meeting. The meeting adjourned at 9:05 PM.

Respectfully Submitted by

Therese Gay
Admin Assistant

Approved on Monday August 27, 2012



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Board of Selectmen Meeting Notice

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C. Monday July 30, 2012

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A. 6:30 PM Modify Special Permit – Farmers Market, Tyngsborough Gardens, 347 Middlesex Road

B. Remote Participation – Vote to Allow per MGL Chapter 30A Section 20(d)

C. Administration – review description and process

D. Housing Production Plan – Review comments received

E. Lunenburg Affordable Housing - Discuss

F. Annual Appointments

- **Agricultural Committee**
- **Capital Asset Management Committee**
- **Energy and Environmental Affairs Committee**
- **Registrar**
- **Road Inspector**
- **Sealer of Weights and Measures**

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A. Bond Anticipation Note & Permanent Borrowing (Town Treasurer) - Approve

B. State Preliminary Election – Sign Warrant

C. YMCA Use of Recreation Building

D. Greater Lowell Chamber of Commerce Expo – Discussion

E. Capital Asset Management Committee – Bylaw Discussion

F. Green Communities program – review status

- **Grant**
- **Electric Charging Stations – site locations**

- **Energy and Environmental Affairs Committee**

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9. Town Administrator's Reports

- Response to Selectmen's Requests
- Budget
- Departmental Information
- Contracting/Procurement
- Other

10. Selectmen's Reports

11. Executive Session (if needed)

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

- A. To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements**

12. Adjournment

Future Meetings

Monday, August 27, 2012 at 6:00 PM at the Town Offices

**** Town Offices will be closed Monday September 3, 2012 in Observance of Labor Day Holiday**

Monday, September 10, 2012 at 6:00 PM at the Town Offices

Board of Selectmen Correspondence - Week of August 1 - 10, 2012

[illegible]